

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LAWERENCE W. HAMMARE,

Plaintiff,

vs.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA, and T-  
MOBILE USA, INC.,

Defendants.

CIVIL ACTION NO. 05-30155-MAP

**PLAINTIFF AND DEFENDANT  
T-MOBILE USA, INC.'S ASSENTED TO  
JOINT MOTION TO EXTEND THE  
DEADLINE FOR FILING A POSSIBLE  
OPPOSITION TO DEFENDANT  
PRUDENTIAL INSURANCE COMPANY  
OF AMERICA'S MOTION FOR  
JUDGMENT ON THE PLEADINGS**

The Defendant, T-Mobile USA, Inc. ("T-Mobile"), and the Plaintiff, Lawrence W. Hammare ("Plaintiff"), with the assent of the Defendant, The Prudential Insurance Company of America ("Prudential"), jointly request that the Court extend the deadline for filing any potential opposition memoranda to Prudential's Motion for Judgment on the Pleadings until October 31, 2005. T-Mobile and Plaintiff, with the assent of Prudential, make this joint request for the following reasons:

1. Under the current deadline, all opposition memoranda are due on October 17, 2005.
2. The parties are making a good faith effort to resolve this matter and have begun settlement discussions.
3. Because the parties are attempting to resolve this matter, T-Mobile and Plaintiff wish to avoid any costs associated with the preparation of opposition memoranda.

4. The parties believe that two weeks, until October 31, 2005, will give them sufficient time to fully explore settlement possibilities and, hopefully, resolve this matter.

WHEREFORE, the parties request that the court extend the deadline for filing any potential opposition memoranda to Prudential's Motion for Judgment on the Pleadings until October 31, 2005.

Respectfully Submitted,

Respectfully Submitted,

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/s/ Judd L. Peskin, Esq.  
Judd L. Peskin, Esq.  
BBO #556134  
Counsel for Plaintiff  
Peskin, Courchesne & Allen, P.C.  
101 State Street, Suite 301  
Springfield, Massachusetts 01103  
Tel. (413) 734-1002/Fax (413) 734-0029

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/s/ Amy B. Royal, Esq.  
Amy B. Royal, Esq.  
BBO No. 647175  
Counsel for Defendant T-Mobile USA, Inc.  
Skoler, Abbott & Presser, P.C.  
One Monarch Place, Suite 2000  
Springfield, Massachusetts 01144  
Tel.: (413) 737-4753/Fax: (413) 787-1941

Dated: October 14, 2005

Dated: October 14, 2005

ASSENTED TO:

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/s/ Edward P. O'Leary, Esq.  
Edward P. O'Leary, Esq.  
BBO #551932  
Counsel for Prudential Insurance Company of America  
Fitzhugh, Parker & Alvaro LLP  
155 Federal Street  
Boston, MA 02110  
Tel.: (617) 695-2330/Fax: (617) 695-2335

Dated: October 14, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Plaintiff and Defendant T-Mobile USA, Inc.'s Assented to Joint Motion to Extend the Deadline for Filing a Possible Opposition to Defendant Prudential Insurance Company of America's Motion for Judgment on the Pleadings* was served upon the attorney of record for each other party via electronic filing and by first-class, U.S. mail, postage prepaid, on October 14, 2005.

/s/ Amy B. Royal, Esq.

Amy B. Royal, Esq.